

ORDINANCE NO. 11

Series 2009

AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE
BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATED TO
ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
COLORADO:

Section 1. Section 6-3F-1 of the Breckenridge Town Code is amended by the inclusion of the following definition:

PUBLIC ROOM: A portion of the licensed premises which is open to the public during normal business hours.

Section 2. Section 6-3F-15 of the Breckenridge Town Code is amended by the inclusion of the following new subsection B.5:

B.5 It shall be unlawful for any person to consume an alcoholic beverage in a public room of a licensed premises between the hours of 2 A.M. and 7 A.M.

Section 3. Subsection 6-3F-15(C) of the Breckenridge Town Code is amended to read in its entirety as follows:

C. The provisions of subsection 6-3F-2F of this article shall be applicable to any trial for a violation of subsection A, B or B.5 of this section.

Section 4. Article F of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby amended by the addition of a new Section 6-3F-20, entitled "Time Restriction—Licensee", which shall read in its entirety as follows:

6-3F-20: TIME RESTRICTION—LICENSEE: It shall be unlawful for a licensee or an employee of a licensee to sell, serve, or distribute an alcoholic beverage at the licensed premises between the hours of 2 A.M. and 7 A.M.

Section 5. Subsection A of Section 6-3F-15 of the Breckenridge Town Code is amended to read in its entirety as follows:

A. It is unlawful for any person to consume any alcoholic beverage in or upon any public place within the Town, except within an establishment licensed by the Town to sell such beverages for consumption on the premises; provided, however, that, subject to the provisions of subsection B of this section, it shall not be unlawful for a person to consume any fermented malt beverage, malt liquor or vinous liquor as defined in the Colorado liquor code in those public parks known as "Kingdom Park"- and "Carter Park".

Section 6. Subsection A(2) of Section 6-3F-16 of the Breckenridge Town Code is amended to read in its entirety as follows:

2. The provisions of subsection A1 of this section shall not apply to the possession of an open container or the consumption of an alcoholic beverage within the licensed premises of an establishment licensed by the Town to sell such beverage for consumption upon the premises, or to the possession of an open container or the consumption of any fermented malt beverage, malt liquor or a vinous liquor as defined in the Colorado liquor code in those public parks known as "Kingdom Park" and "Carter Park".

Section 7. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 8 The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

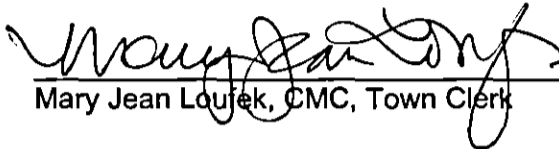
Section 9. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

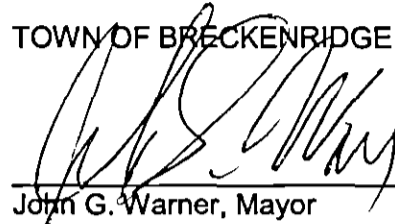
Section 10. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 14th day of April, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of April, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk

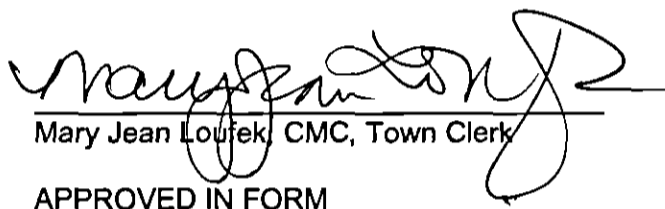

John G. Warner, Mayor

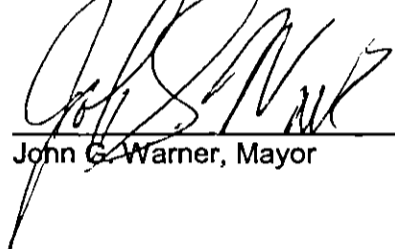
The public hearing on this ordinance was held on April 28, 2009.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 28th day of April, 2009. This ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

4/28/09
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on May 15, 2009.